

James Buchanan

January 11, 2019

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

(1) JAMES D. BUCHANAN,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 18-CV-171-RAW
)	
(1) TURN KEY HEALTH CLINICS,)	
LLC,)	
(2) ROB FRAZIER, in his)	
official capacity as)	
Muskogee County Sheriff,)	
(3) BOARD OF COUNTY)	
COMMISSIONERS OF)	
MUSKOGEE COUNTY,)	
(4) DR. COOPER, and)	
(5) KATIE McCULLAR, LPN,)	
)	
Defendants.)	

DEPOSITION OF JAMES DOUGLAS BUCHANAN

TAKEN ON BEHALF OF DEFENDANTS

IN TULSA, OKLAHOMA

ON JANUARY 11, 2019

REPORTED BY: KERRI L. WOOD, CSR

1 Q Okay. So --

2 A Yes, sir.

3 Q -- because of your health condition, you --
4 you have memory problems that --

5 A Correct.

6 Q -- it's -- it's sometimes difficult, just
7 normally, to recall events and things?

8 A Exactly, yes.

9 Q Okay. And does that go back as far as the
10 time when you had your bicycle accident?

11 A Yes, sir.

12 Q Okay.

13 A Yes --

14 Q Does it --

15 A -- sir.

16 Q -- go back before the time you had the
17 bicycle --

18 A No, sir.

19 Q And when I'm talking about the bicycle
20 accident, before you went into our jail --

21 MR. SMOLEN: Object --

22 Q (By Mr. Artus) -- there was --

23 MR. SMOLEN: -- to the form.

24 He -- he's trying to ascertain if you had
25 memory issues before the jail incident or after.

1 THE WITNESS: After.

2 Q (By Mr. Artus) Well, really, before the
3 bicycle incident --

4 A No, sir, not --

5 Q -- or after.

6 A -- before. Not before. After. After.

7 Q After the bicycle incident?

8 A Yes, sir.

9 MR. SMOLEN: Object --

10 A Correct.

11 Q (By Mr. Artus) Okay.

12 MR. SMOLEN: -- to the form.

13 Q (By Mr. Artus) And the bi- -- and just for
14 clarification of the record, the bicycle incident is
15 the one that occurred in September of 2016. Does
16 that sound right to you?

17 A Correct --

18 Q Okay.

19 A -- September 16th. Yes, sir.

20 Q And, so, since that time, you do have memory
21 problems; is that correct?

22 MR. SMOLEN: Object --

23 A Yes, sir.

24 MR. SMOLEN: -- to the form.

25 Q (By Mr. Artus) And you might want to give

1 Q But mo- -- just mostly DUI's?

2 A Correct.

3 Q Okay. Would you say he's an alcoholic to
4 this day?

5 MR. SMOLEN: Object to the form.

6 A Sure.

7 Q (By Mr. Artus) Okay. How about you? Do you
8 have trouble with alcohol or drugs?

9 A No, sir.

10 Q Have you ever had trouble with alcohol or
11 drugs?

12 A No, sir.

13 Q Okay. Now, we've talked about Muskogee
14 County, the -- the -- the times -- the 13 times
15 you've been in Muskogee County Jail. Have there
16 been other jails you've been in -- other counties --
17 say, Tulsa County, Wagoner County, any other
18 counties in the surrounding area or anywhere?

19 A Not that I'm aware of --

20 Q Okay.

21 A -- no.

22 Q In that lawsuit we talked about, which is
23 SC-2015-1745 -- that's when Muskogee Regional
24 Medical Central brought a lawsuit against you for a
25 default judgment -- you don't have any memory of

James Buchanan

January 11, 2019

Page 89

1 Q Okay. And then the next thing you remember,
2 you wake up in the back of an EMSA on the way to the
3 hospital, I take it.

4 A Correct.

5 Q Okay. So, you have no memory of the car
6 hitting you or what happened?

7 A No, sir.

8 Q Okay. In the accident report, the guy who
9 hit you or was driving the car is a guy named
10 Samuel, S-a-m-u-e-l, Lewis. Do you know him?

11 A No, sir.

12 Q Have you ever -- I guess you never met him
13 before?

14 A No, sir.

15 Q Okay. Looking at the accident report,
16 anyway, it says that -- he says that you -- he was
17 in the left-hand lane, you were in the right-hand
18 lane, and you turned in front of him. That's what
19 he al- -- he alleges --

20 MR. SMOLEN: Object to the form.

21 Q (By Mr. Artus) -- or at least according to
22 the accident report.

23 A According to the accident report --

24 MR. SMOLEN: Objection to the form.

25 A -- I'm -- I -- I have no idea; but all I

1 fill out a --

2 A Okay.

3 Q -- form, showing that you did that --

4 A Okay.

5 Q -- right?

6 A Okay. Okay. I'm -- I'm just unclear about
7 the -- the --

8 MR. SMOLEN: They --

9 A -- the --

10 MR. SMOLEN: You mean -- did you make
11 an official written statement?

12 THE WITNESS: No, sir.

13 MR. SMOLEN: You never got the
14 opportunity to do --

15 THE WITNESS: No.

16 MR. SMOLEN: -- that?

17 THE WITNESS: Correct.

18 Q (By Mr. Artus) But until I showed you that,
19 you had no memory of doing that; is that correct?

20 MR. SMOLEN: Objection to the form.

21 A That's correct.

22 MR. SMOLEN: Misstates his testimony.

23 A That's true.

24 Q (By Mr. Artus) Okay. So, where did you --
25 when you woke up in the Muskogee -- in that -- in

1 that ambulance, where did they take you? What
2 hospital did you go to?

3 A Muskogee Regional.

4 Q Okay. And how long were you there?

5 A I have no idea.

6 Q It --

7 A I -- I -- to my understanding, a few hours.

8 Q Okay. And then where did they transfer you
9 to?

10 A St. John's --

11 Q And how long --

12 A -- in Tulsa.

13 Q Okay. And how long were you in St. John's?

14 A Approximately 14 days.

15 Q Okay. So, this accident happened on
16 September 16th, 2016; and then you were at -- you
17 were transferred to Muskogee Regional for a couple
18 hours, you say?

19 A I -- I believe so, to -- just to stabilize
20 me. And from my brother's statement to me, they had
21 done all that they could and could not do anymore;
22 so, they transferred me to St. John's.

23 Q And you stayed there for about 14 days.

24 A I believe I was released, discharged the
25 last day of the month, September 30th.

1 MR. SMOLEN: -- to review you medi- --

2 I mean --

3 MR. ARTUS: No.

4 MR. SMOLEN: -- if he wants you to
5 review your medical records, he can hand those to
6 you --

7 MR. ARTUS: I'm not --

8 MR. SMOLEN: -- but he just --

9 MR. ARTUS: -- going to do --

10 MR. SMOLEN: -- wants to know basically
11 your memory, what you recall being --

12 Q (By Mr. Artus) What -- what --

13 MR. SMOLEN: -- injured.

14 Q (By Mr. Artus) -- you would testify to a
15 jury as to what was wrong with -- what was injured
16 in the bicycle accident.

17 A Two broken ribs, a collapsed lung, and a
18 broken neck.

19 Q Okay. So, two broken ribs on the left or
20 right side, if --

21 A Left.

22 Q -- you know?

23 Okay. Left side.

24 And then a collapsed lung. And -- and was
25 it your left lung or right lung?

1 A I believe it was the same side.

2 Q So, on the left side?

3 A Yes, sir.

4 Q Which makes sense, like maybe a ri- -- do

5 you know if a rib poked it or -- or what? Don't

6 know?

7 A I'm not -- I can -- I can only speculate.

8 Q Sure.

9 And then a broken -- a broken neck. Did I

10 get that right?

11 A Correct.

12 Q And where -- if you know, where in the neck?

13 A (Indicating)

14 Q You're pointing.

15 A I'm not --

16 Q So, we can't get that on --

17 A I'm --

18 Q -- the record?

19 A I'm -- I'm not sure which -- which joints in

20 my neck.

21 Q Like they -- they --

22 A It's just --

23 Q -- call them --

24 A -- C --

25 Q -- C --

James Buchanan

January 11, 2019

Page 102

1 A -- C5 --

2 Q -- C something --

3 A -- C6, C7. I bel- -- I believe it was in
4 that area of my upper neck (Indicating).

5 Q So --

6 A I'm -- I'm --

7 Q -- in medical terms, they -- they do break
8 the neck down into C- --

9 A Yeah.

10 Q -- -1 through whatever. But you're saying
11 it's -- you --

12 A I --

13 Q -- think it's C5, 6, or 7, somewhere in that
14 area, right?

15 A I -- I'm -- I'm not positive. I've only
16 heard them tell me, and I have not actually looked
17 at a medical chart that shows the particular joints
18 on -- on my neck.

19 Q But from your memory, based on talking to
20 the doctors who were treating you, that's your
21 understanding -- is you had a broken neck in the C5,
22 6, 7 area?

23 A I believe.

24 Q Now, a broken neck -- what -- did you have
25 to have surgery as a result of that?

James Buchanan

January 11, 2019

Page 103

1 A Yes.

2 Q And what did they -- what did they do -- did
3 they do that at St. John's?

4 A No, sir.

5 Q Okay. At St. John's did they do any surgery
6 on your neck?

7 A No, sir.

8 Q Okay. But you had a broken neck from the
9 bi- -- from the bike accident; is that correct?

10 A Correct.

11 Q And was your injuries just such that you
12 didn't need surgery or --

13 A I don't know.

14 Q Okay.

15 A Unsure.

16 Q But --

17 MR. SMOLEN: Well, it's -- and we're
18 getting just to a point where we need to take a
19 break maybe.

20 THE WITNESS: Okay.

21 MR. SMOLEN: Just whenever you get a --

22 THE WITNESS: Yes.

23 MR. SMOLEN: -- chance. I know it's --

24 THE WITNESS: Yes.

25 MR. SMOLEN: -- been about another --

James Buchanan

January 11, 2019

Page 106

1 lung, which I think they call a pneumothorax.
2 A True.
3 Q And then you had two broken ribs.
4 A Uh-huh.
5 Q And you had a broken neck.
6 A Yes.
7 Q In the C5-C7 area is your best knowledge.
8 A I believe so.
9 Q Did -- and you did not have any surgery for
10 your ribs, or did you?
11 A I believe so. I'm not -- I'm not sure.
12 Q You -- did you have --
13 A I'm not sure.
14 Q -- any surgery at St. John's?
15 A Yes, I believe -- well, I -- then again,
16 I -- I'm not sure. All --
17 Q Okay.
18 A All I know is I had a -- a chest tube --
19 Q Aha.
20 A -- okay? -- in -- in -- in the side -- in
21 the -- in -- in the side of my body (Indicating).
22 Okay? And I -- to my -- I guess, to my knowledge,
23 is -- it was to drain the fluid off or -- or it
24 would help me breathe, from -- from the collapsed
25 lung. I had many breathing treatments that they

1 gave me several times a day, every day. I -- I --
2 to my understanding, they -- they could -- they
3 don't operate on broken ribs or there -- there's
4 no --

5 Q I know --

6 A -- way to --

7 Q -- that from watching the NFL.

8 A Okay.

9 Q So, that's how I --

10 A Okay.

11 Q That's how -- that's my knowledge, but I
12 think that's right.

13 A Okay.

14 But other than that, that -- I know they had
15 me on IV's and every -- and the chest tube; and
16 before they re- -- they released me, they -- they --
17 they pulled out the chest tube. I believe that was
18 probably inserted at Muskogee Regional. That's what
19 they did -- was they just stabilized me for --
20 for -- for my collapsed lung, I guess, so I wouldn't
21 die.

22 Q Right --

23 A But --

24 Q -- get your -- get you back inflated again.

25 A I gue- -- yeah, I guess. They -- and --

James Buchanan

January 11, 2019

Page 108

1 and -- and, there again, I'm not real sure about it;
2 but from what they've told me, there's nothing they
3 can do about a collapsed lung. It has to reinflate
4 itself.

5 Q Okay.

6 A I -- then again, I'm not a doctor. So --
7 so, you --

8 Q Sure.

9 A -- you -- you have to refer to my -- my --
10 my medical records.

11 Q So, the surgery, if any, would be whatever
12 medical neces- -- whatever was required to put that
13 chest tube in -- into your lung or whatever.

14 A Apparently.

15 Q Okay.

16 A But there -- there again, I -- I'm not --

17 Q Now, as --

18 A -- qualified to answer.

19 Q As far as your neck, did you have to wear a
20 C-collar --

21 A Yes.

22 Q -- or immobilize it?

23 And --

24 A Yes.

25 Q -- when you were released from St. John's on

James Buchanan

January 11, 2019

Page 109

1 September 30th, 2016, were you still wearing the
2 collar; or had you -- were you like, "Okay. You
3 don't need to wear it anymore"?

4 A I'm not real sure. I can't remember.

5 Q Okay.

6 A There -- there with my memory loss from --
7 from the broken neck, I'm -- I'm -- I'm having a
8 hard time differentiating dates and -- and -- and --
9 and periods.

10 Q Fair enough.

11 So, you got out of St. John's which is in
12 Tulsa, right?

13 A Yes.

14 Q And you went back to Muskogee. Did you --
15 and you didn't go back to work at that point, right?

16 A No, sir, I could not.

17 Q And then I understand you had some court
18 dates; is that correct?

19 A Correct.

20 Q And the one I'm focusing on are on
21 October 24th, 2016.

22 Did I remem--- did you remember something?
23 Were you going to say something?

24 A The attorney's name who -- who was
25 representing me at the beginning was --

James Buchanan

January 11, 2019

Page 116

1 Q And that happened on -- according to you, on
2 Oc- -- on October 24th, 2016. He said, "I'm not
3 taking you anymore."

4 A I assume. I assume. I -- I -- I'm not too
5 sure about the date.

6 Q And as a result of those -- and you were
7 actually there on three cases -- the CF-2014-62 --
8 that's the grand larceny and knowingly concealing
9 stolen property -- and CM-2015-232 -- that's the
10 DUI -- and the CF-2016-367 -- that's the -- where
11 you carried away the -- or you're alleged to have
12 carried away the suitcase. Those were the three
13 cases I show you were there for.

14 And then the court record in all three of
15 those cases said that you absconded from court prior
16 to hearing. And then, as a result, they issued a
17 bench warrant and revoked your bond. Does that --
18 is that your understanding of what happened?

19 A That sounds correct.

20 Q And that's why you ended up in the Muskogee
21 County Detention Center in November 3rd, 2014. Is
22 that your understa- -- or '16 -- 2016. Is that your
23 understanding?

24 A I -- I don't have actual dates in front of
25 me to -- to -- to -- to -- to be factual, but it

1 sounds correct. I'm not sure.

2 Excuse me.

3 Q Now, were you arrested; or did you turn
4 yourself in? How did you get -- how -- how did you
5 get into the Musko- -- how did you get in Muskogee
6 County custody?

7 A I turned myself in.

8 Q Okay. And do you remember when you did
9 that?

10 A No, sir, not exactly. I assume it's late
11 October or November of 2016.

12 Q Okay. And if the records show you were
13 booked in on November 3rd, 2016, would you dispute
14 that?

15 A That sounds -- that sounds correct.

16 Q Do you have a clear memory as to what
17 happened while you were in the Muskogee County
18 Jail --

19 A Yes.

20 Q -- at that time?

21 A Somewhat.

22 Q Okay. Do you remember how long you were in
23 the Muskogee County Jail -- how many days?

24 A Approximately 11.

25 Q Okay. And my records show you were booked

1 Q And then at the end when you were getting
2 out, he said, I'm going to give you this short-term
3 pain regimen," which included hydrocodone of
4 10 milligrams and some other medications you can't
5 recall that lasted about 20 days.

6 And then when that was up, you thought,
7 "Maybe I'm supposed to go back and see him."

8 A Yes.

9 Q Did you go back and see him?

10 A No.

11 Q Okay. Did you go back and see anybody?

12 A I can't remember. I remember calling his
13 office, and I didn't do any more -- I never got a
14 chance to do any more follow-up as I was
15 incarcerated.

16 Q Okay.

17 A Yeah.

18 Q Well, the -- so, you're -- you're released
19 on September 30th, 2016. The pain -- short-term
20 pain management lasts about 20 days. So, that --

21 A Right.

22 Q -- gets us to about October 20th, 2016.

23 A (Nods head)

24 Q It comes up. You don't have to be in court
25 until October 24th, 2016; and you don't turn

James Buchanan

January 11, 2019

Page 123

1 yourself in until November 3rd, 2016. So, in
2 those -- in that time, by the time --

3 A Uh-huh.

4 Q -- the po- -- the short-term pain management
5 is up and the time you turn yourself in to jail, you
6 have -- you don't see anybody -- is that correct? --
7 meaning any physicians.

8 A I -- I can't remember. I --

9 Q You can't remember one way or the other?

10 A No, I -- I -- I can't rem- -- I -- I -- I
11 can't remember seeing anybody. I'm -- I -- I'm not
12 sure.

13 Q But your memory is that you may have called
14 Dr. Buck.

15 A Yes. Yes. Yes.

16 Q But you --

17 A I think --

18 Q -- never went and saw him.

19 A No. No, sir.

20 Q And you don't -- you can't say, one way or
21 the other, if you saw any other physician.

22 MR. SMOLEN: And if you had your
23 medical records, maybe, in front of you, it might
24 refresh your memory, but without that --

25 THE WITNESS: Correct. Correct. I --

1 the second or third day.

2 Q Okay. And do you remember who it was?

3 A No. They had various nurses, I guess,
4 depending upon their shift. But they -- only thing
5 they did was come -- come to the pod where I was
6 placed and talked to me.

7 And I remember on a couple of occasions, I
8 ac- -- actually got to be released from my pod and
9 go to -- to the -- the, supposedly, doctor's office
10 where -- where the nurse talked to me. They -- they
11 consoled me and -- and -- and told me the best thing
12 that they -- they could do is give me the -- the one
13 pill for mu- -- muscle relaxer, I guess it is. It's
14 called naproxen.

15 Q Okay. Were you previously on naproxen?

16 A I can't remember.

17 Q Okay. Do you know how long you were in the
18 jail, it -- how long it was, how many days it was
19 before they -- you started getting the nap- --
20 naproxen?

21 A Maybe three or --

22 Q At the time you were booked into the jail,
23 you no longer had the broken ribs, correct? Had --

24 A Yes.

25 Q -- they -- they healed?

James Buchanan

January 11, 2019

Page 138

1 A Correct, they -- I -- I -- I -- I assume.

2 Q Okay. And -- and your lung was no longer
3 collapsed, correct?

4 A Correct. I could breathe, yes.

5 Q What about your neck? Had it healed, or did
6 you still have a broken neck?

7 MR. SMOLEN: Object to the form.

8 A I did not know.

9 Q (By Mr. Artus) Were you still wearing the
10 collar?

11 A No, sir.

12 Q When did you --

13 A No, sir.

14 Q -- stop wearing the collar?

15 A Sometime in October of 2016.

16 Q When you got out of the hospital, did they
17 give you a collar to wear?

18 A Yes.

19 Q And did you -- and then you wore it until
20 the -- say, the middle of October?

21 A I believe so. The -- I had -- the only way
22 I -- I -- wait a minute. This -- this was -- wait a
23 minute. Well, I'm confusing myself. No, sir. No,
24 sir. The -- the -- I'm -- I'm -- I'm thinking
25 about -- I'm thinking about when I was released

James Buchanan

January 11, 2019

Page 145

1 Q -- confused. We've got one that ends in --

2 A Yeah.

3 Q -- 4774 and one in 4770. And you say the
4 one that ends in 4770 is the correct one, right?

5 A Yes, sir.

6 Q Have you ever gone by that other Social
7 Security number?

8 A No, sir.

9 Q Okay. And then this document -- the reason
10 why I show it to you is just to -- to show that our
11 records show that you were in the jail from
12 November 11th -- November 3rd, 2016, until
13 November 14th, 2016. Does that sound right?

14 A Okay. Yes, sir.

15 Q And that the reasons why you were in there
16 is because of a failure-to-appear hold --

17 A Huh.

18 Q -- without bond per Judge Adair.

19 A Huh. Okay.

20 Q And we --

21 A Adair --

22 Q And, I mean --

23 A -- yes.

24 Q -- we've kind of talked about that, haven't
25 we?

1 A Yeah.

2 MR. SMOLEN: -- the form.

3 A Yep. That's -- see, that's what I was
4 saying about -- about the -- the -- the -- the
5 charge -- the failure to appear in court. I was --
6 that's what I was referring to earlier by I was
7 there and I left, but then -- but then that's not
8 the way they -- they -- they filed --

9 Q (By Mr. Artus) Well --

10 A -- the char- -- filed the charges that I was
11 never -- I was -- like I was never there.

12 Q Evidently the judge didn't think you should
13 have left.

14 A Obviously. You're --

15 Q Right.

16 A You are correct.

17 (Defendant's Exhibit Number 5 marked for
18 identification and made part of the record.)

19 Q (By Mr. Artus) Okay. I'm going to show you
20 what I'm marking as Defendant's Exhibit 5, and this
21 is a Medical Questionnaire --

22 A Okay.

23 Q -- at the jail. It's a -- and it's very --
24 part of the -- part of the things they do is they
25 ask the inmates questions. And this one is for a

1 guy named James Douglas Buchanan; date of birth,
2 3/27/1962. That's you, correct?

3 A Yes, sir.

4 Q Booking date, 11/3/2016. And right -- the
5 very first question is -- it says: "Do you have any
6 other medical problems we should know about?" And
7 it says right there: Broken ribs, collapsed lung,
8 burnt fingers, and neck problems, right?

9 A Huh.

10 Q Right?

11 A Yes, sir.

12 Q So, does that sound like what you told them
13 when you got book -- when you got booked in?

14 A Correct.

15 Q Now, the burnt fingers, we haven't talked
16 about. What's the burnt fingers?

17 A I did it at -- at -- at my house, trying --
18 trying -- trying to light the stove --

19 Q Okay.

20 A -- just was --

21 Q Are we talking about, like, third degree
22 burns, second degree --

23 A No --

24 Q -- burns?

25 A -- just -- just I -- I burned -- I burned my

James Buchanan

January 11, 2019

Page 150

1 A Correct.

2 But on the -- on the -- the booking sheet,

3 it did -- it does not say anything about --

4 Q Right --

5 Well, this Medical --

6 A -- the --

7 Q -- Questionnaire --

8 A -- the --

9 Q -- goes with the --

10 A -- the broke --

11 Q -- booking sheet.

12 A -- the neck.

13 Q Right.

14 A Oh. I'm sorry.

15 Q But this one does, right. It says "neck

16 problems," right -- again, at Defendant's --

17 A Oh.

18 Q -- Exhibit 5?

19 A You're correct.

20 Q Okay. And then turning the page, down at

21 the bottom, it says: Do you currently take any

22 medications prescribed by a doctor? And it says --

23 second-from-the-bottom question --

24 anti inflammatory, muscle relactors (sic) --

25 relaxers, pain meds, Dr. Trinidad.

James Buchanan

January 11, 2019

Page 151

1 A Oh, okay. I -- I was at -- Dr. Trinidad is
2 a chiropractor.

3 Q Okay.

4 A And I -- I was -- I was just starting to see
5 him for -- on my own recognizance, just, you know,
6 under my own --

7 Q And where is Dr. Trinidad?

8 A In Muskogee.

9 Q And had he -- and he -- had he -- did you --
10 and you're saying you -- now you're remembering you
11 went and saw him?

12 A Now that you men- -- that you -- you brought
13 up the name, yes, I -- I -- yes. Yes. Yes.

14 Q And what -- and what did he prescribe you?

15 A Pain management.

16 Q Okay.

17 A I believe -- I believe he -- yes. Yes,
18 he -- he prescribed me some pain management.
19 That's -- I -- I guess that's the reason why I had
20 pain-management medications at the house whenever
21 I -- I was book -- I -- I -- I was -- when I went
22 back to turn myself back in.

23 Q Now, would he -- would you have gotten those
24 at Walmart or Walgreens?

25 A Sure.

James Buchanan

January 11, 2019

Page 153

1 A Just like it sounds -- G-r-e-e-n-h-a-w.

2 Q Okay. And, so, you may have said
3 Dr. Trinidad, but you actually saw Dr. Greenhaw who
4 works for Dr. Trinidad?

5 A Correct.

6 Q Okay.

7 A It was a joint office of both of theirs, to
8 my understanding. But Dr. Greenhaw could not
9 prescribe any medications. Dr. Trinidad was the
10 only one who could.

11 Q I'm going to show you what I've marked as
12 Defendant's Exhibit 6, which has previously been
13 produced as DDR 1, 36 and 37 -- this right here.

14 A Okay.

15 Q And this is labeled a Medical Screen --
16 Screening for James D. Buchan- -- Buchanan, done at
17 eleven-thir- -- or at least it says Arrival Date --
18 Arrival -- Arrival Time 11:30, Muskogee County Jail.
19 And the first page says no diabetes. That's
20 correct, right?

21 A Yes, sir.

22 Q No heart problems?

23 A Correct.

24 Q No tuberculosis?

25 A Correct.

1 Q No venereal disease?

2 A Correct.

3 Q It says: "Under Doctor's Care of
4 Medication." And you said -- and it says: "Yes,"
5 "Dr. Trinidad"?

6 A Correct.

7 Q And then I don't know if you can read it or
8 not, but that says anti-inflammation (sic) muscle
9 relaxers, and pain medication. Does that sound
10 right?

11 A Yes, sir, but it's -- it's --

12 Q It's kind of hard to read.

13 A -- il- -- illegible.

14 Q Right, hard to read.

15 A Okay.

16 Q And then it says Religious Preference,
17 Baptist?

18 A Right.

19 Q Gang Affiliation, No? Do you --

20 A Correct.

21 Q Okay. And then the second page, it says:
22 Have you been involved in -- in any industrial or
23 automotive accident? And it's checked "Yes."

24 A Uh-huh.

25 Q And it says --

James Buchanan

January 11, 2019

Page 155

1 A Yes.

2 Q -- broken ribs, calapst (sic) lungs --

3 A Oh.

4 Q -- burnt fingers, and neck.

5 A Uh-huh. Okay.

6 Q So, is that consistent with what you
7 remember telling the people when you got booked in?

8 A I'm assuming, yes; and I -- there again, I'm
9 not positive. But the -- apparently the -- the neck
10 problems that -- that it says probably was
11 substantiated by the -- the --

12 MR. ARTUS: Oh, I didn't give you --
13 I'm sorry.

14 A -- the chiropractor.

15 MR. ARTUS: I apologize. I had them.

16 Q (By Mr. Artus) Okay. And, so, when you were
17 booked in, at least our records show that somebody
18 met with you and got -- and did an intake and found
19 out about your issues.

20 A Okay. That was --

21 Q And --

22 A -- the --

23 Q And then --

24 A -- the nurse, apparently.

25 Q -- at -- when you were booked in, did you at

1 that time say, Hey, I'd like to speak to some- -- I
2 need to see someone or I need to see --

3 A Correct.

4 Q Okay. And you were seen the next day --
5 isn't that correct? -- or do you remember?

6 MR. SMOLEN: Object --

7 A By a nurse.

8 MR. SMOLEN: -- to form.

9 A I -- I nev- -- I never, ever got to see a
10 doctor.

11 Q (By Mr. Artus) Okay. And the nurse saw you.
12 And what were your complaints at that time when you
13 were seen?

14 A I'm sure it was a multitude of -- of
15 problems, but I don't remember exactly what I -- I
16 told her. All I do remember is that pain -- pain
17 and ob- -- obvious pain. I had no -- I needed some
18 kind of medications for -- for -- for the pain.

19 Q Now, when you were booked in on
20 November 3rd, 2016, could you move both your arms?

21 A Yes.

22 Q Could you move both your legs?

23 A Yes.

24 Q And then when did you stop being able to
25 move your arms or legs?

1 The -- the -- that's when they -- they
2 treated my burns on my fingers. Okay? And -- and
3 they -- they talked to me -- as you put it,
4 intake -- about -- about my -- my medical condition,
5 my pains, and what -- what I was -- what I was
6 frequently complaining about, needing to -- to see a
7 doctor because I knew there was something wrong.
8 I -- I felt as though I was going to die in jail.

9 Q Okay. The first time you saw the nurse or
10 was take -- taken out to see a nurse, do you
11 remember what day that was? Was that the first day,
12 second day you were in jail, third day?

13 A I'm assuming the second or third.

14 Q Okay. Our records show that on
15 November 4th, 2016, you were seen by a nurse; and
16 that's when they prescribed you naproxen
17 500 milligrams.

18 A Is that the first day?

19 Q That's the second day you would have --

20 A Okay.

21 Q -- been there.

22 Does that --

23 A Okay.

24 Q -- sound right to you?

25 A That -- that -- that chronologically sounds

James Buchanan

January 11, 2019

Page 176

1 correct.

2 Q And could you describe to the jury what that
3 nurse who saw you looked like?

4 A No, sir.

5 Q White girl? Black girl?

6 A White. They -- they were all white, female.
7 I -- I -- I could -- if you put them in -- in a room
8 today, I -- I -- I -- I -- I may or may not be able
9 to -- to recognize them.

10 Q And our records show that was an LPN who saw
11 you and that she also talked with Dr. Cooper. Did
12 you ever see Dr. Cooper?

13 A No, sir.

14 Q Would you be able to identify Dr. Cooper?

15 A No, sir. I -- I never even heard the --
16 that name until just now.

17 Q And as I understand it, you were prescribed
18 with naproxen 500 milligrams, from looking at the
19 records; and that's consistent with what you say,
20 too, right?

21 A True.

22 Q And naproxen, as I understand it, is an
23 anti-inflammatory and a pain reliever.

24 A Okay.

25 Q Do you know that --

1 hospital?

2 A I -- I told them I -- I need -- I need -- I
3 had -- I had severe pains and I -- I needed -- I
4 needed -- I needed more medical attention than a --
5 a nurse just seeing me and saying, you know, "We're
6 going to give you naproxen and -- and -- and -- and
7 go back -- go back and lay down."

8 Q Now, on that day, that first time you saw
9 the nurse -- which our records show November 4th,
10 2016, the second day you're in the jail -- could you
11 use both of your arms?

12 A Sure --

13 Q Could you use --

14 A -- the second day.

15 Q Could you use your left arm?

16 A I believe so.

17 Q Could you use your right arm?

18 A I believe so.

19 Q Could you use your legs?

20 A Yes, sir.

21 Q Were you complaining to -- did you complain
22 at any time about, "Hey, I -- I can't use any of
23 those"?

24 A About -- about headaches?

25 Q No, about, "Hey, my -- my arms aren't

James Buchanan

January 11, 2019

Page 181

1 started me on it, once a day for the ti- -- the time
2 I was there.

3 Q And did they ever not give you the medicine?

4 A Probably the last day.

5 Q Okay. And -- and do you remember who the
6 nurse was that would come and give you the medicine?

7 A No, sir.

8 Q Was it the same nurse you saw that second
9 day in the jail?

10 A I was in such pain I don't remember who --
11 who gave -- who -- who gave them to me because
12 they -- they -- it was different -- it was different
13 nurses. Now, I -- I know I saw at least two
14 different ones, if not three different ones.

15 Q Okay. And could you describe to the jury
16 what any of those nurses looked like?

17 A No, sir.

18 MR. SMOLEN: Beyond the -- the white
19 male -- or white --

20 THE WITNESS: Right.

21 MR. SMOLEN: -- female.

22 THE WITNESS: Right?

23 A Be- -- not -- not beyond the fact that --
24 that they -- they were white female.

25 Q (By Mr. Artus) Could you pick them out of a

1 lineup, you know, and say, "Oh, that's the person
2 who gave me the medicine"?

3 A No, sir.

4 Q Okay. And when they gave you the medicine,
5 how would they give it to you? Would they come to
6 your cell and give it to you?

7 A When they did, they -- they had a pill
8 crusher and they -- they -- they -- they crushed the
9 tablets and they put them in -- in -- in a -- a
10 envelope -- a clear envelope and -- and -- and --
11 and -- and passed it -- most of the time, they did
12 not even pass it to you. They -- they made you hold
13 your mouth open, and -- and they poured it down --
14 down your throat.

15 Q Okay. And then you drank water and
16 swallowed it?

17 A Yeah, if you could find some water.

18 Q Okay. And then did they make -- did they
19 make you open your mouth afterwards or anything like
20 that to make sure you took it?

21 A Yeah.

22 Q Okay.

23 A Yeah.

24 Q So, you would -- you would have to stand in
25 front of them. They'd put it in your mouth.

1 A Uh-huh.

2 Q And you'd swallow it. Then you'd have to
3 open your mouth and show them you had not cheeked it
4 or whatever.

5 A Yeah. Correct. They -- they had a -- they
6 had a opening on -- on the cell door, about a
7 2-foot-by-2-foot square hole that -- that -- that
8 you -- you stood in front of; and they -- they --
9 they poured it in your mouth.

10 Q And when you started losing your feeling in
11 your left arm, would you tell the nurse when they
12 came to give your medicine, "Hey" --

13 A Oh, yes. Yes.

14 Q Okay.

15 A Oh, I'm sorry.

16 Q So, your testimony is every time the nurse
17 came by once you started losing feeling of your arm,
18 you would tell them about that?

19 A Correct. Every time I saw a nurse, I -- I
20 com- -- I complained about pains and I needed to see
21 the doctor -- every time I saw a nurse. It -- I --
22 I even com- -- I -- I complained many, many, many
23 times to -- to -- to whatever jailer was on duty
24 or -- or any -- any -- any correctional officer that
25 was -- that was there, that -- that I -- I -- I -- I

1 needed -- I needed to see the doctor.

2 Q Do you remember any of the jailers' names?

3 A No, sir, un- -- unfortunately.

4 Q Do you remember -- so, you're in the pod.

5 So, there's a tower operator, right -- somebody

6 behind some glass?

7 MR. SMOLEN: Object to the form.

8 A In which nobody ever got to see because

9 it's -- I -- I'm assuming it's a two-way --

10 Q (By Mr. Artus) Yeah.

11 A -- mirror. But -- but the -- but I -- I

12 only -- I only realized that after so many days.

13 The -- the -- one of the other in- --

14 inmates said, "They can see you. There -- there's a

15 tower."

16 And I -- I never knew that. I -- I never

17 was paying attention because the whole time I was

18 there, I was laying on -- on the floor, on a -- on

19 a -- on a -- on a 6-inch mat, and -- and -- and --

20 and -- and -- and crying for pain.

21 Q Okay. And did you ever call up to the tower

22 or use the -- the intercom there to say, "Hey, I

23 need to see someone"?

24 A The other guys did.

25 Q Okay.

James Buchanan

January 11, 2019

Page 187

1 Q Can you remember any other inmates who were
2 in -- in with you who helped you?

3 A Yeah, a black man. I think he was in there
4 for a long duration. But we spent time -- he even
5 let me stay in his -- his particular cell in the pod
6 and -- and -- overnight. He was going to let me
7 continue to stay there, but -- but I -- I complained
8 and complained and -- so much he kicked me out.

9 So -- but we had had prayer group with
10 him -- him and -- and several other inmates would
11 get together once at night, and -- and they prayed
12 for me.

13 Q When you were in the jail, did you ever file
14 a medical request -- a quest (sic) -- a re- -- fill
15 out a piece of paper to say, "Hey, I need to see
16 somebody. I need to go to the doctor or need to see
17 the nurse"? Did you ever fill anything out?

18 A Not that I know of.

19 Q Okay. And why didn't you?

20 A Because apparently I -- I was unaware that
21 there was -- there -- there -- there was such a
22 medical request on paper.

23 Q Okay.

24 A I mean, if -- I -- let me clarify. If I
25 did -- which if you say there is -- is such a thing,

1 I'm -- I -- I probably did. And -- and if I did, it
2 would have been when they came and got me and took
3 me to the doctor's station; and -- and I was -- I
4 was doing the intake with the nurse.

5 Q Can you testify to the jury any jailer
6 who -- who you -- who you talked to and told you
7 needed to see medical?

8 A I don't remember any -- any names.

9 Q Okay. According to your Comp- -- your
10 Amended Complaint, your lawsuit, it alleges that you
11 lost your ability to move your left arm on
12 11/4/2016, the second day you were in the jail. Is
13 that incorrect?

14 A To -- to my knowledge, I -- I -- yes, to my
15 knowledge. I mean, I -- I don't -- I don't -- I --
16 I don't think that I lost the feelings in my arm
17 until in -- I -- I -- all I know is -- is -- is by
18 day six I lost the feelings in both my arms and by
19 day ten I lost the feelings in both my legs. That's
20 all I remember.

21 Q Well, looking at your Amended Complaint
22 filed on July 13th, 2018, Paragraph 16 on page 4, it
23 says: By November 4th, 2016, just one day into his
24 stay at Jail, Mr. Buchanan had completely lost the
25 ability to move his left arm. That's what the

1 the feeling in my left arm"; and yet that's
2 inconsistent with what you say in the -- in the
3 Complaint where you say it was on the second day.

4 And all I'm asking is can you tell a jury
5 when you lost the feeling of your left arm.

6 A Okay.

7 MR. SMOLEN: Objection to the form.

8 A Okay. Okay. Time out. The -- to -- to --
9 to -- time out. To -- to -- to -- to the best of my
10 knowledge, to my opinion and the best that I can
11 remember, like I said, I -- I -- I was laying there;
12 crying, in tears; losing the feelings in my arms and
13 my legs. But I couldn't get no help. Nobody would
14 help me at -- at -- at all besides a -- a dang
15 naproxen once a day. They refused to see -- they --
16 they refu- -- they refused to let the doc- -- the --
17 to -- to let me see a doctor like -- like there was
18 no such doctor around.

19 To -- to -- to my knowledge, I don't
20 specifically remember when I started -- started to
21 lose the feelings in my arms. But all -- all I --
22 all -- all I do know is -- that I can remember is --
23 is by such-and-such time -- by like day six, I had
24 lost the -- the -- the feelings in both my arms.

25 Certainly -- certainly, you would remember

1 Q But you were seen on the 4th by a nurse,
2 right?

3 A I don't recall.

4 Q Okay. That's when they started prescribing
5 the naproxen to you, right?

6 A I don't recall.

7 Q Okay. And then you got the naproxen every
8 day after that; isn't that right?

9 A To my knowledge.

10 Q Okay.

11 A I have no idea who this Dr. Cooper is, and I
12 never heard -- I never even heard of his name until
13 you mentioned it.

14 (Mr. Smolen confers with Mr. Helm.)

15 MR. ARTUS: Yeah, thank you.

16 THE COURT REPORTER: You're welcome.

17 (Defendant's Exhibit Number 8 marked for
18 identification and made part of the record.)

19 Q (By Mr. Artus) Let me show you what I'm
20 marking as Defendant's Exhibit No. 8. And it's a --

21 A Yes, sir.

22 Q -- Sick Call note saying James Buchanan on
23 it; and it says you're put on Sick Call on
24 November 6th, 2016, for shoulder pain. Do you have
25 any memory of that?

James Buchanan

January 11, 2019

Page 205

1 A Can I -- no, sir.
2 Can I -- can I ask you a question?
3 Q Yeah.
4 A Who are all these people? Are these -- are
5 these --
6 Q This is, like, other inmates that were on --
7 A Are these the --
8 Q -- the Sick Call.
9 A -- nurses where it says D- -- DTX --
10 Q No --
11 A -- and --
12 Q -- these are other inmates that were --
13 A Oh, oh, oh.
14 Q -- that were seen on --
15 A Sorry.
16 Q -- Sick Call.
17 You're put on the Sick Call list --
18 A Excuse me. Okay. I'm sorry.
19 Q -- for shoulder pain.
20 A Okay. I'm sorry. Excuse me. There's me
21 on -- on Line 6 or 7.
22 Q Yeah. So, you're put on the --
23 A It says --
24 Q -- Sick Call list --
25 A -- shoulder --

1 Q -- on November 6th, 2016. Do you have
2 any --

3 A Shoulder.

4 Q -- memory of being -- of --

5 A Should- --

6 Q -- that or --

7 A Shoulder pain. No. No, sir, I do not.
8 Shoulder.

9 Q And it -- it says "shoulder pain." It
10 doesn't say anything about not being able to use
11 your arm or --

12 A I --

13 Q -- leg, right?

14 A -- very well probably could as I was laying
15 on the floor. And they gave me a -- I guess you'd
16 call it a 4-inch mat or 6-inch mat that -- that
17 compressed down to about 1-inch thick, and -- and I
18 felt like I was -- I was actually laying on a tile
19 floor the whole -- the -- the whole time. I had
20 other inmates walking by and -- and -- and throwing
21 a blanket on me as I couldn't -- I couldn't even use
22 my arm to throw a damn blanket over me.

23 Q So, you might have just complained of
24 shoul- -- shoulder pain at that time?

25 A I probably --

1 MR. SMOLEN: Objection to --

2 A I -- I prob- --

3 MR. SMOLEN: -- the form.

4 A I probably could have because -- because,
5 like I said, I -- I was laying on the -- on the --
6 you know, on the -- on a tile floor. And -- and
7 I -- I -- I remember ask -- asking other inmates --
8 they gave us two -- two Army blankets -- one to put
9 over us and the other one to use as a pillow --
10 and -- and -- and specifically asking other inmates,
11 "How -- how in the heck did you fold up the Army
12 blanket up into a pillow? Can -- can you -- can you
13 show me, or can -- can -- can you fold it up for me
14 because I -- I can't use my arms?"

15 Q (By Mr. Artus) So, you would have been
16 complaining about shoulder pain; and they put you on
17 Sick Call, right?

18 A I -- I could have. I prob- -- I -- there
19 again, I -- I'm -- I'm -- I can't be specific. I
20 can't -- I -- I'm not sure or -- about any
21 specifics --

22 (Defendant's Exhibit Number 9 marked for
23 identification and made part of the record) --

24 Q (By Mr. Artus) Let me show you what I've
25 mark as Defendant's Exhibit 9.

James Buchanan

January 11, 2019

Page 208

1 A -- as I've been -- as -- as -- as I've been
2 in jail. There -- there -- there -- there are no
3 calendars. There's no clocks. You -- you can't
4 even tell what da- -- what time of day it is, not
5 much less what day.

6 Q On November 11th -- now, we blacked out the
7 other names of the other inmates, but --

8 A Oh.

9 Q -- for HIPAA reasons. But on November 11th,
10 2016, James Buchanan -- there's notes here that says
11 decreased range of motion, up down extremities --

12 A Where does it say --

13 Q -- and --

14 MR. SMOLEN: Where do you see de- --

15 A Where does it say --

16 MR. SMOLEN: Object to --

17 A -- that at?

18 MR. SMOLEN: -- the form. I don't see
19 that.

20 A All -- all I see is next to my name, it
21 says, looks like, in parentheses- -- R.O.M.

22 Q (By Mr. Artus) Range of motion.

23 A Oh --

24 MR. SMOLEN: I'm going to --

25 A -- okay.

James Buchanan

January 11, 2019

Page 209

1 MR. SMOLEN: -- object to the --

2 A Up --

3 MR. SMOLEN: -- form. It doesn't --

4 A Up and down --

5 MR. SMOLEN: (Inaudible)

6 THE COURT REPORTER: Wait, wait, wait,
7 wait. One at a time, guys.

8 MR. SMOLEN: I'm going to object to the
9 form.

10 MR. ARTUS: Let him make his
11 objections, and then we'll talk about it.

12 Go ahead, Dan. Make your objection.

13 MR. SMOLEN: Well, you're reading from
14 a document; and the document doesn't say what you're
15 saying it says. And, so --

16 MR. ARTUS: Okay.

17 MR. SMOLEN: -- I'm going to object to
18 it.

19 A Yeah --

20 MR. ARTUS: Wonderful.

21 A -- I --

22 Q (By Mr. Artus) Okay. So, looking at this
23 Defendant's Exhibit No. 9 --

24 A Yes, sir. I'm --

25 Q -- it says the date is 11/11/2016. It says

James Buchanan

January 11, 2019

Page 210

1 James Buchanan. It says in Pod 1. Right? That's
2 where you were, and that's --

3 A Okay. I see it --

4 Q And that's --

5 A -- now.

6 Q -- where you said you first started losing
7 your -- your ability to use -- lose (sic) your
8 arms --

9 A Makes -- makes --

10 Q -- right?

11 MR. SMOLEN: Objection to --

12 A Makes sense.

13 MR. SMOLEN: -- the form. Misstates
14 the testimony.

15 A Makes sense, yeah.

16 Q (By Mr. Artus) And then you -- it says -- it
17 has a downward arrow which --

18 A 11/11.

19 Q -- which I'll purport to you means
20 decrease --

21 A Oh, okay.

22 Q -- or downward, whatever.

23 A Well, I don't --

24 Q R.O.M. is range of motion. That's what I'll
25 purport to you. So --

James Buchanan

January 11, 2019

Page 212

1 downward arrow which would mean up and down to me,
2 but whatever.

3 MR. SMOLEN: Or it might --

4 Q (By Mr. Artus) Upward --

5 MR. SMOLEN: (Inaudible)

6 Q (By Mr. Artus) Upward, down extremities.

7 THE COURT REPORTER: Or what? I'm
8 sorry. I can't --

9 MR. SMOLEN: Or it --

10 THE COURT REPORTER: -- hear you.

11 MR. SMOLEN: It could mean both
12 extremities, up and down. It could mean all kinds
13 of things. So, I'm going --

14 THE WITNESS: (Inaudible)

15 MR. SMOLEN: -- to object.

16 Q (By Mr. Artus) And then it --

17 THE COURT REPORTER: I can't hear you
18 all three at the same. I just can't. I'm sorry.

19 Go ahead. I'm sorry.

20 Q (By Mr. Artus) Then increased neck pain.

21 And then it says limited. And then it says
22 Schedule, 11/15/16. Do you remember seeing someone
23 on that date and getting scheduled to go see someone
24 on the 15th of --

25 A No, sir.

James Buchanan

January 11, 2019

Page 215

1 it -- it -- it -- it was not even believable. I --
2 I mean, I -- I was just hanging on their -- their --
3 their every word.

4 Q And then on the 14th, that's when you were
5 sent to the -- to the hospital; isn't that correct?

6 A If you --

7 MR. SMOLEN: Objection --

8 A -- say so.

9 MR. SMOLEN: -- to the --

10 A If --

11 MR. SMOLEN: -- form.

12 A If you say so. Whatever the date says,
13 what -- if you say so. I -- I -- I -- there again,
14 I -- I -- I -- I can't -- I can't say something that
15 I -- I don't know is there. I'm not going to
16 contradict myself by saying something that -- that I
17 don't know.

18 Q (By Mr. Artus) Well, we --

19 A But I --

20 Q -- know, from looking at the booking sheet,
21 that you were released on the 14th, right? And that
22 was --

23 A Okay.

24 Q -- the day you were sent to the hospital --

25 A Okay.

1 Q -- right?

2 A Okay. Okay.

3 Q And that's the day you peed on yourself, as
4 you say, right?

5 A Yeah. Yeah. Okay.

6 Q And a nurse came and --

7 A That -- that was the last day I was there?

8 Q Right.

9 And a nurse came --

10 A Okay.

11 Q -- and took you to the hospital --

12 A Okay.

13 Q -- or they had you taken to the hospital --

14 A Yes, sir.

15 Q -- correct?

16 A That -- that night, yes, sir, I -- after
17 dinner, after I urinated on -- on myself, they
18 called the jailer. The jail- -- told -- told the
19 jailer my story. She stormed off. She looked at
20 the video cameras, according to her -- to -- to --
21 to her -- her comment. And she comes back, and --
22 and -- and she stopped arguing with me.

23 And -- and she -- she -- she called the
24 nurse -- or whatever nurse was on duty, still never
25 saw a -- a doctor. She comes and -- and -- and

1 And I asked her. I said, "What changed your
2 mind?"

3 She said, "I went back and looked at the
4 videotapes of you -- of -- of -- of you and -- and
5 your other inmates, dragging you around the pod for
6 the last 24 hours or -- or more." That --

7 Q And, so --

8 A That -- that was her -- her words exactly.

9 Q And then she called the nurse as soon as she
10 realized that, and --

11 A Yes.

12 Q -- she called the nurse.

13 A Yes.

14 Q And the nurse came --

15 A Yes.

16 Q -- and saw you, and they took you to the
17 hospital.

18 A They -- they put a probe on my finger and --
19 and -- and -- and they -- they -- they read
20 something that says, Yeah, we need to get you out of
21 this pod and -- and call -- call EMSA immediately.

22 So -- so, in fact, the -- the other -- the
23 other in- -- she use -- she used the other inmates
24 to -- to -- to undress me in the middle of the --
25 the pod, butt naked.

1 Q A nurse did or the jailer?

2 A The jailer. The jailer. She --

3 Q Because you had urinated on yourself.

4 A Right. Right. I -- I had -- I had -- I had

5 a orange -- orange jumpsuit full of urine; and --

6 and, so, they strip -- they stripped me in the

7 middle of the pod and in --

8 Q And --

9 A -- front of --

10 Q And got --

11 A -- and in -- in front of God and everybody.

12 Right. Right.

13 Q And --

14 A And then --

15 Q And got you clean clothes.

16 A They -- yeah. Right.

17 Q Okay.

18 A Right --

19 Q And --

20 A -- put -- put another jumpsuit on me and --

21 and -- and then they took -- they took me out in the

22 hallway. The -- the EMSA came, put me on a -- on a

23 stretcher, hand- -- hand- -- handcuffed my ankle to

24 the bed; and -- and off I went.

25 Q Was that the first time you had peed on

1 yourself?

2 A Yeah.

3 Q Okay. And had -- how long had you been not
4 able to use your legs when that occurred? Was it
5 24 hours?

6 A Within, I -- I -- I would say within 24 to
7 36 hours, I'm -- I'm guessing --

8 Q Okay.

9 A -- the best of my knowledge. I hate to
10 guess. I apologize because I --

11 Q And then they took you to EASTAR? Or
12 Wagoner. They took you --

13 A No.

14 Q -- to Wagoner.

15 A No. No. They -- they -- the -- the -- the
16 medical guys who drives the -- the EMSA, they said
17 they -- I -- all I could see was the back of the --
18 the -- the back window, out- -- outside. And -- and
19 I -- and I noticed we had been riding for quite a
20 few -- quite a few minutes. And, I mean, I -- I was
21 so much in pain I was out of it. And -- and all --
22 I vaguely remember asking them. I said, "Where --
23 are we not going to the hospital?"

24 They said, "We're going to Wagoner."

25 So, we went to Wagoner. And -- and I waited

1 A -- 30 pounds, I mean, I'm okay. I can -- I
2 can lift it; but I can't -- I can't lift anything
3 over my head, you know.

4 I mean, I can -- I can -- I can lift it
5 up -- like they ask me at -- at my pain management
6 group, "Can you lift it off the floor, or -- or --
7 or -- or can you lift it off the table?"

8 If -- if it's easily managed, yeah, I can
9 do -- I can do that. But -- but I can't -- I can't
10 lift a 50-pound sack of potatoes even -- even up to
11 my waist, much less over my head.

12 Q (By Mr. Artus) What about are you able to
13 care for yourself now?

14 A Yes, sir.

15 Q So, you can bathe yourself?

16 A Yes, sir.

17 Q Go to the bathroom on your own?

18 A Yes, sir.

19 Q Cook food for yourself?

20 A Correct.

21 Q Clean your own house?

22 A Yep.

23 Q Okay.

24 A Oh, I'm sorry. There is one more benefit
25 I'm receiving through -- this is through -- through

James Buchanan

January 11, 2019

Page 271

1 know about that; is that right?

2 A Correct.

3 Q Okay. Do you know if you have any medical
4 experts who are going to testify on your behalf in
5 this case, in this trial?

6 A I haven't been told that I will have, but
7 I'm sure that any or all of my doctors could or
8 would.

9 Q Okay.

10 A I'm sure Dr. Beard -- Beard (sic) will.

11 Q As far as your tax returns that we talked
12 about, you said you probably could look for them in
13 your house and --

14 A Uh-huh.

15 Q -- could find them and present them to your
16 attorney; is that correct?

17 A Yes.

18 MR. SMOLEN: And we'll get a tax
19 release for them for you, too --

20 THE WITNESS: Remind --

21 MR. SMOLEN: -- Doug.

22 THE WITNESS: Remind me.

23 MR. SMOLEN: Okay.

24 Q (By Mr. Artus) You've got Stanley Buchanan
25 listed as a witness in this as someone who could

James Buchanan

January 11, 2019

Page 272

1 testify. Did he ever visit you in jail while you
2 were in Muskogee County Detention Center?

3 A Yes.

4 Q In -- in November of 2016?

5 A Yes.

6 Q How many times did he visit you?

7 A Twice.

8 Q And when they had visitation there, it's
9 usually over a phone, correct?

10 A Yeah. Yes, sir.

11 Q When did he visit you?

12 A I don't remember the day. All I know is --
13 is the one time I did talk to him, it was through a
14 video conference call; and I --

15 Q Okay.

16 A I had to have a -- a -- my inmate -- I guess
17 a friend -- help me. And I -- I remember just
18 lean -- using him as -- as a lean-to while I -- I
19 tried to talk.

20 Q So, when you were talking to your brother
21 when he came to visit you, could -- had you lost any
22 functions of your arms at that point in time?

23 A Yes, sir.

24 Q Had you lost --

25 A Yes, sir.

James Buchanan

January 11, 2019

Page 273

1 Q -- your ability to use --

2 A I --

3 Q -- your legs at that time?

4 A I remember I could stand, but I couldn't use
5 my arms. I couldn't hold the phone. My inmate
6 buddy held -- held the phone -- held the phone,
7 if -- if I'm not -- not mistaken; and I could -- I
8 could look down and -- and see him on -- on a little
9 screen. We could see each other.

10 Q Was your inmate buddy the guy who wrote his
11 name on the envelope?

12 A Yes, sir.

13 Q Okay.

14 A Bud was his nickname, but I -- I have his --
15 I have his name.

16 THE WITNESS: I -- I think I told
17 Sterling.

18 MR. SMOLEN: Yeah, it's been -- it's
19 been --

20 THE WITNESS: Okay.

21 MR. SMOLEN: -- identified in
22 discovery.

23 A I think he's even trying to locate him, you
24 know, for me -- for us.

25 Q (By Mr. Artus) How many times did your

James Buchanan

January 11, 2019

Page 291

1 You see that very top line where it said you spent
2 approximately six weeks --

3 A Yes, sir.

4 Q -- at St. John? I think that we've probably
5 made it clear today that was probably a mistake. It
6 was closer to two weeks; is that right?

7 A St. John's was two weeks, yes, sir.

8 Q All right. And that your discharge was, in
9 fact, actually closer to September 30th, not --

10 A Yeah.

11 Q -- October 30th?

12 A Yes, sir.

13 Q Okay. That's what I thought.

14 And the following paragraph, Paragraph 13 --

15 A Okay.

16 Q -- take a minute, take a look at that. The
17 second-to-last sentence that says that,

18 "Mr. Buchanan further advised MCSO and Turn Key
19 personnel that he was taking pain medication and
20 that he was suffering from broken ribs, a collapsed
21 lung, 'burnt fingers' and neck problems." Do --

22 A Okay.

23 Q -- you see that?

24 But you weren't still suffering from a
25 collapsed lung; is that right?

James Buchanan

January 11, 2019

Page 292

1 A Correct.

2 Q Okay.

3 A Wait a minute. Wait a minute. This is --
4 this is -- this was af- -- yes. Yes. That sounds
5 right. I'm -- I'm -- I'm -- I'm trying to -- I'm
6 trying not to confuse myself about the dates, and --

7 Q I don't --

8 A -- this was --

9 Q -- want you to be confused.

10 A This was after I -- I was released from
11 St. John's.

12 MR. SMOLEN: This is -- it's referenced
13 in the booking --

14 THE WITNESS: Right. Okay.

15 MR. SMOLEN: -- the booking sheet.

16 THE WITNESS: Okay. Yeah. Yeah.

17 Okay. Okay.

18 Q (By Mr. Young) All right. I'd like for you
19 to take a look at Paragraph No. 15, please.

20 A Okay.

21 Q The second sentence says that you "received
22 no medical attention whatsoever." Do you see that?

23 A "During this time, Mr. Buchanan received no
24 medical attention whatso-" -- yes, sir. Uh-huh.

25 Q We've gone over this a few times today. But

James Buchanan

January 11, 2019

Page 305

1 Q This was filed on July 13th of 2018.

2 A Huh.

3 Q So, to your memory, were you still confined
4 to a wheelchair in July -- on July 13th of 2018?

5 A No. In July -- July of 2018?

6 Q Right. Approximately six months ago.

7 A No. No, sir.

8 Q So, were you --

9 A I -- I --

10 Q -- able to walk?

11 A I -- well, I take it back. In July?

12 MR. SMOLEN: And not -- you know, if
13 you remember, Doug, tell him; but if not, you might
14 want to just tell him when you do remember being out
15 of the wheelchair.

16 A Yeah, I -- I -- I was -- I was probably
17 pushing a walker at the time in Ju- -- in July,
18 yeah.

19 Q (By Mr. Young) Do you think you could have
20 been riding a bicycle?

21 MR. SMOLEN: When?

22 MR. YOUNG: In -- on July 13th, 2018.

23 MR. SMOLEN: Does he remember riding a
24 bicycle that day, or could he be around that
25 time frame?

James Buchanan

January 11, 2019

Page 306

1 MR. YOUNG: I'm asking if he remembers
2 the -- whether or not he was able to ride a bicycle.

3 MR. SMOLEN: Around that time frame,
4 not whether you did on that particular date.

5 A In July. If -- if I could, it -- it wasn't
6 very far at all, if I could at all. I -- I -- I
7 remember -- I remember being out of the wheelchair
8 because -- let's -- let's see. Okay. Ju- -- I
9 was -- I was released to -- to come home in about --
10 about February of 2017. I was in a wheelchair for
11 about six months, and then I went to a walker for
12 about another six months. So, that would have
13 put -- that would have put me to like about March --
14 say, March of 2018.

15 MR. SMOLEN: (Nods head)

16 A So -- so -- so, I -- I -- by July I was -- I
17 was either -- either walking with a cane or -- or --
18 with little help or -- or -- or no help at all,
19 but --

20 MR. SMOLEN: But going back --

21 A But --

22 MR. SMOLEN: -- to -- going back to his
23 question, in July you think you would have possibly
24 been capable of riding a bicycle?

25 THE WITNESS: Yes. Yes. Yes, by July.

1 Q Okay.

2 A Correct. And -- and -- and I must -- and
3 I -- and if I told him I was -- I -- I was cycling
4 again, I -- I was probably kind of proud of it
5 because -- because just to be able to get on a bike
6 is -- is -- is miraculous.

7 And -- and -- and -- and I -- I try -- I try
8 to keep -- I -- I -- I take -- I pride myself in
9 trying to take care of -- of being as
10 straightforward and honest, with Advanced Pain
11 Specialists, as humanly possible because they're --
12 they're -- they're my bread and butter, I mean, I --
13 I mean, literally. I mean, if it wasn't for them,
14 I -- I -- I wouldn't -- I -- I'd be able to get out
15 of bed; but, oh, I'd be a cranky SOB. I would not
16 be a happy camper.

17 Q I'm going to call your attention to the
18 Amended Complaint one last time.

19 A Okay. Sure. Sure.

20 Q Flip over to page --

21 A Which --

22 Q -- 13 --

23 A Which --

24 Q -- page fif- -- Paragraph --

25 A Oh. Oh.

James Buchanan

January 11, 2019

Page 327

1 A No.

2 Q You testified earlier that -- it was
3 something along the lines of when your right arm --
4 when you began to lose sensation in your right arm,
5 you could kind of feel it coming. Do you remember
6 saying something --

7 A Yes.

8 Q -- along that line?

9 A Yes. Uh-huh.

10 Q Did you ever have any sensation at all
11 before November 3rd, 2016, before you went to
12 Muskogee County Jail?

13 A No.

14 Q Not left arm, right arm, legs? Absolutely
15 no --

16 A Huh-uh.

17 Q -- tingling, no indication whatsoever that
18 you were about to become paralyzed --

19 A No, sir.

20 Q -- until after you got to the jail; is
21 that --

22 A No, sir.

23 Q -- right?

24 A Correct.

25 Q Do you still ride your bike?

James Buchanan

January 11, 2019

Page 328

1 A Yes.

2 Q And you said you don't drive, right?

3 A Correct.

4 Q So, when you run your errands and do your
5 daily activities, it's all bicycle; is that right?

6 A My personal care assistant which comes once
7 a week, she runs my errands because I -- I -- I
8 can't carry anything and I don't have anybody else I
9 can rely on. But if -- if I have errands to run or
10 someplace -- like -- like went down to the phone
11 store the other day and -- and -- I had to get on my
12 bike. It was cold, but, I mean -- you know, I
13 don't --

14 Q Could you go --

15 A I -- I --

16 Q Could you go get something to eat if you
17 wanted to?

18 A I don't ride very far.

19 I could if I wanted to, but I -- I cook.

20 I -- I stay home and cook.

21 Q Well, I mean, I guess, could --

22 A Yeah.

23 Q -- you go buy --

24 A Yeah.

25 Q -- something --